

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT**

W.A.No.791 OF 2015

PC: *(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)*

This writ appeal is directed against the order dated 05.12.2014 passed in W.P.No.27853 of 2009 filed by respondent No.1, whereby the petition has been allowed. The concluding paragraph of the impugned order reads thus:

“For the aforesaid reasons, the writ petition is allowed, setting aside the Award No.A-69/2007 dated 18.03.2007 passed by the third respondent Land Acquisition Officer-Cum-Revenue Divisional Officer, Tirupathi, Chittoor District to the extent of the subject property. Consequently, the respondents are directed to initiate proceedings under the provisions of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and conclude the same by giving opportunity to the petitioner herein, within a period of six months from the date of receipt of this order. It is made clear that the Government shall be at liberty to recover the amounts from the concerned persons. It is further made clear that immediately after conclusion of the proceedings now directed to be initiated, if it is found that the petitioner herein is entitled for compensation, the same shall be paid to him immediately without waiting for any action as indicated above. As a sequel, the miscellaneous petitions, if any, shall stand closed.
No order as to costs.”

In the writ petition, respondent No.1 sought to challenge the action of respondents in not paying compensation to him for the land measuring Acs.2-36 cents in Sy.No.5-12, Patta No.100 of Chengambakam Village accounts, Satyavedu Mandal, Chittoor District (for short ‘the said land’), as illegal, unjust, arbitrary and violative of Article 300-A of the Constitution of India. He also

prayed for a direction to pay compensation/solatium etc., with interest for acquiring the said land.

At the outset, Mr.M.Sudheer, learned counsel appearing for the appellants, invited our attention to the prayer and the concluding paragraph of the impugned order and submitted that the learned Single Judge granted the relief which the writ petitioner never sought. He submitted that acquisition of land and passing of award is not in dispute. He further submitted that even payment of compensation is also not in dispute. According to the petitioner, he submitted, the compensation was paid to some wrong person.

Mr.S.V.Muni Reddy, learned counsel appearing for respondent No.1-writ petitioner, fairly stated, it is true that the acquisition proceedings were initiated and the award was passed and the amount of compensation was paid to some wrong person. He, therefore, submitted that respondent No.1 would be satisfied if directions are issued to the appellants to recover the amount paid to the wrong person and made over to respondent No.1. On the other hand, learned counsel for the appellants submitted that the appellants are prepared to initiate proceedings to recover the compensation paid to the wrong person and shall pay the said amount after determining the right person.

In this view of the matter, learned counsel for the parties have agreed for the following order:

- (i) the order of the learned Single Judge setting aside the award dated 18.03.2007 passed by the 3rd appellant is set aside. The direction to initiate fresh proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is also set aside;
- (ii) the appellants are directed to initiate proceedings to recover the amount from the person to whom the amount of compensation was paid in pursuance of the award dated 18.03.2007 within a period of three months from today; and
- (iii) once the amount is recovered, the concerned respondent may also initiate the enquiry as to who is the right person to

receive the compensation and pay the said amount to such person with interest.

With these observations, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

J

Date: 15.09.2015

Stp/Lrkm

S.V.BHATT,